

Mayor Bill Seuell called the meeting to order at 7:00 p.m. Also present were Councilmembers Guy Pfalzgraff, Kay Carlquist, and Robert Jurca, along with City Manager Lanny Sloan and City Attorney Mike Schottelkotte. Councilmember Mary Cooper was absent. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

**Pledge of Allegiance**

The Mayor led everyone present in the Pledge of Allegiance.

**Changes to the Agenda**

City Manager Sloan requested that the GIS IMS Presentation be withdrawn from the Agenda due to computer problems. He explained that the presentation will be placed on the Agenda for the next meeting. In addition, Mr. Sloan asked that Council Bill #5, Modular Housing Code Changes, which is written as an emergency ordinance, be withdrawn due to the absence of Councilmember Cooper. Council agreed to withdraw these two items from the Agenda.

**Minutes**

It was moved by Councilmember Jurca and seconded by Councilmember Carlquist to approve the minutes of March 4, 2008 as submitted by the Clerk. All in favor, motion carried.

**Citizen Comments**

There were none.

**Financial Report**

In the absence of Finance Director Tod DeZeeuw, Assistant City Manager Steve Glammeyer presented the monthly financial report for the period ended February 29, 2008.

**Hotel/Restaurant Liquor License Report of Corporate Changes: Medrano, Inc. DBA Leon's Mexican Restaurant**

The City Clerk explained that Gabriela Torres de Medrano has purchased Maria Medrano's interest in Medrano, Inc., the owner of Leon's Mexican Restaurant. As a result, Medrano, Inc. has filed a Corporate Report of Changes for the restaurant's liquor license. A background check on Ms. Torres de Medrano has revealed no criminal history. Fingerprints have been submitted to the FBI and CBI, but no reports have been received as yet. Staff recommended approval of the Corporate Report of Changes contingent on the receipt of favorable fingerprint reports on Gabriela Torres de Medrano.

It was moved by Councilmember Carlquist and seconded by Councilmember Pfalzgraff to approve the Corporate Report of Changes for Leon's Mexican Restaurant pending receipt of favorable fingerprint reports. All in favor, motion carried.

**River Walk Subdivision Site Plan**

Community Development Director Glen Black explained that the original preliminary plat for the River Walk Subdivision was approved by Council on August 22, 2006. It subdivided 135 acres into 241 lots. Due to several changes and the amount of time elapsed, the preliminary plat was resubmitted in August of 2007. At that time, the developer still proposed to subdivide 135 acres into 241 lots.

On August 21, 2007, Council reviewed the resubmitted preliminary plat and tabled the item in order to approach the developer about changing the location of the park and providing restrooms. City Council subsequently met with the developer on October 2, 2007 to discuss changes to the preliminary plat.

On February 25, 2008, a revised site plan was submitted for staff review. Staff is now asking Council to review the revised site plan. If the concept meets with Council's approval, staff requests the developer to submit all required supporting documentation for a full review under the City Code. The revised preliminary plat would then be submitted to the Planning Commission for their recommendation to City Council.

## **Regular Meeting, Delta City Council, March 18, 2008 (Cont.)**

### **River Walk Subdivision Site Plan (Cont.)**

The Community Development Director explained that staff noted two major changes from the previously submitted preliminary plat. First, the developer has moved the proposed park to a site adjacent to 1600 Road, as requested, and has added a plat note to prohibit lighting of the park. Secondly, the developer has added 31 lots, bringing the total number of lots to 272. The new lots are served by a street which was not shown on the previous preliminary plat.

Mr. Black indicated that staff has not received any additional design or engineering data to support the proposed changes. He outlined the additional information which needs to be submitted for staff review and recommendation as follows:

#### **Outstanding Issues Related to the Park**

- How many soccer fields will there be and how will they be laid out? Does the City wish to limit use by restricting lighting?
- No parking area is shown.
- Are bathrooms proposed and is the developer still willing to contribute \$5,000 toward their construction?
- Landscaping, irrigation, trail and fencing plans for the park need to be provided.
- The addition of 31 lots will increase the required developed park space to approximately 6.8 acres. The planned park has only 3.4 acres.

#### **Outstanding Issues Related to the Addition of 31 Lots**

- The traffic study should be revised to consider additional units, and should include two units on all lots which are large enough for duplexes.
- The drainage study will need to be revised.
- Lift station approval may have expired. Lift station capacity will need to be reviewed.
- Construction drawings for the new street need to be provided.
- Additional mailbox pullout areas may be required.
- 1600 Road improvements will need to be done as the subdivision is constructed.

Developer Jack Petruccelli asked Council to consider his submittal a preliminary plat and not a site plan. On advice from the City Attorney and the Community Development Director, Council agreed that the submittal did not meet City Code requirements for a preliminary plat.

Mr. Black indicated that one issue that could be addressed tonight was the tabling of the preliminary plat at the August 21, 2007 Council meeting. Mr. Petruccelli stated he would withdraw the preliminary plat which was tabled at that meeting.

After considerable discussion, it was the consensus of Council that the revised preliminary plat will need to be submitted with all supporting documentation as requested by staff, with the following considerations:

- There will be a plat note indicating that there will never be lighted playing fields in the park as nighttime activities would be detrimental to the neighborhood.
- The developer is still willing to contribute \$5,000 toward the construction of restrooms, which is agreeable to Council.
- The trail system noted on the previously submitted preliminary plat will be allowed to count toward the total developed parks requirement, with the understanding that additional trail area may be needed due to the addition of the 31 lots.
- Fence will be constructed along 1600 Road, except for the park frontage.
- Council did NOT agree to extend the preliminary plat expiration requirement found in the City Code.

### **Three-Mile Plan**

Community Development Director Black reported that the Three-Mile Plan, also referred to as the HB-45 Plan, is required by State Statute to be in place in order for the City to annex property outside its current boundaries. The Statute also requires the plan to be updated each year.

The Planning Commission reviewed the plan at their March 3, 2008 meeting and recommended approval.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Carlquist to approve the Three-Mile Plan as submitted. All in favor, motion carried.

## **Regular Meeting, Delta City Council, March 18, 2008 (Cont.)**

### **Jennings Landing Subdivision Preliminary Plat**

The Community Development Director reported that the Jennings Landing Subdivision is located east of 1700 Lane and south of E Road adjacent to Sweitzer Lake. The property contains 102 acres which is zoned R-2. Owners B&W Investments and developer Grace Homes propose to create 261 single family lots.

The Planning Commission reviewed the preliminary plat at their March 3, 2008 meeting and recommended approval with the following recommendations:

- The water tank and fence will be tan in color.
- The water tank will be moved further to the south to increase distance from the swim beach at Sweitzer Lake.
- Intersection improvements along Highway 50 must be made as required by CDOT. [It appears that a stop light will be needed at the intersection of Pioneer Road and Highway 50. The developer should be required to pay 11½% toward the cost of the stop light, based on the percentage of traffic generated at the intersection by the new subdivision.]
- All water tapping fees must be paid prior to beginning of construction of each phase.
- All corrections must be made to the preliminary plat and construction drawings as redlined by staff.
- All applicable City of Delta requirements, standards and specifications must be met.

City Utilities and Public Works Directors have suggested placing a surcharge on water bills to offset additional costs of operating the water system. Terry Lawrence of Grace Homes has offered that each lot should contribute \$100 toward the cost of pump maintenance and replacement, but feels that a permanent surcharge should NOT be placed on future homeowners.

The Planning Commission also discussed the potential of the City participating in the enlarging of the water tank to serve potential growth in the area.

Utilities Director Fay Mathews and Public Works Director Jim Hatheway spoke about the possibility that a surcharge on water bills would still be needed, even with the \$100 per lot (\$26,000) contribution suggested by Mr. Lawrence. It will be necessary for the City to construct a pump station and operate it 24 hours each day in order to provide sufficient water to the subdivision. In order not to place a burden on the City's existing water customers, Mr. Mathews and Mr. Hatheway feel that a monthly surcharge of \$8 to \$16 on each water customer in the Jennings Landing Subdivision would be necessary. It was pointed out that the \$26,000 contribution would be a one-time payment, while the need for electricity to run the pumps and the cost of maintenance and replacement of the equipment is an on-going expense for the City. Staff felt that the City would have the authority to impose the surcharge at a later date if it is needed.

Next, the question of the possibility of the City participating in the enlarging of the water tank was briefly discussed. City Manager Sloan pointed out that this would be a separate agreement between the City and the contractor and is not part of the approval process for the subdivision. The Community Development Director stated that the developer is nearly ready to begin the engineering on the tank. If the City wishes to participate, a decision needs to be made soon.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Carlquist to approve the Jennings Landing Subdivision preliminary plat contingent on all staff and Planning Commission recommendations including plat notes to indicate that operation and maintenance of the water tank and pumping equipment will be subject to a surcharge; and to require the developer to pay 11½% of the cost of the stop light at Pioneer Road and Highway 50, based on the percentage of traffic generated at that intersection by the new subdivision. All in favor, motion carried.

### **Council Bill #4, 2008; First Reading; PUD Code Changes**

Council Bill #4, 2008

AN ORDINANCE OF THE CITY OF DELTA, COLORADO, AMENDING  
SECTION 17.72.080 OF THE DELTA MUNICIPAL CODE TO ESTABLISH  
TERMS AND CONDITIONS UPON WHICH MAJOR REVISIONS OF PLANNED  
UNIT DEVELOPMENT PLATS MAY BE ALLOWED

was read by the Clerk.

## **Regular Meeting, Delta City Council, March 18, 2008 (Cont.)**

### **Council Bill #4, 2008 (Cont.)**

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Carlquist to adopt Council Bill #4, 2008, on first reading. Roll call vote: Councilmembers Pfalzgraff, aye; Carlquist, aye; Jurca, aye; and Seuell, aye. Motion carried.

### **Contract with Delta Area Development, Inc.**

City Manager Sloan explained that for several years, the City has entered into an agreement with Delta Area Development, Inc. (DADI) to provide funds for economic development. The previous contract was for 2006 and 2007, and expired in December of 2007. DADI has fulfilled the terms of previous contracts, providing timely financial reports and meeting other expectations of the contract.

The City has budgeted \$25,000 to be used by DADI for economic development services, with an additional \$20,000 for use on a case-by-case basis with Council approval.

It was moved by Councilmember Jurca and seconded by Councilmember Pfalzgraff to approve the agreement between the City and Delta Area Development, Inc. All in favor, motion carried.

### **Ordinance #3, 2008; Second and Final Reading; Miscellaneous Code Changes**

#### Ordinance #3, 2008

AN ORDINANCE OF THE CITY OF DELTA, COLORADO, AMENDING SECTIONS 15.04.080, 16.04.050, 16.04.070, 17.04.150 AND 17.04.230 OF THE DELTA MUNICIPAL CODE, AND ADDING A NEW SECTION 16.04.115 TO SAID CODE, FOR THE PURPOSE OF PROMOTING CLARITY AND UNIFORMITY AMONG CERTAIN OF THE CITY'S LAND DEVELOPMENT REGULATIONS

was introduced as Council Bill #3, 2008, and read by the Clerk.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Carlquist to adopt Council Bill #3, 2008, on second and final reading. Roll call vote: Councilmembers Pfalzgraff, aye; Carlquist, aye; Jurca, aye; and Seuell, aye. Council Bill #3, 2008 was adopted on second and final reading as Ordinance #3, 2008.

### **Discussion of Business Enhancement Program**

Mayor Seuell reported that at a recent meeting, the Chamber of Commerce presented Council with an action plan for the Business Enhancement Program. Mr. Seuell added that at a subsequent Chamber Board meeting, he made some comments about additional provisions Council would like to see in an agreement between the City and the Chamber. Those provisions included the following:

- Work with downtown property owners to fill vacant buildings
- Work with downtown business and property owners to make downtown area more attractive to new business
- Coordinate downtown and business promotions in order to increase awareness of Delta
- Provide training and assistance for businesses
- Work as liaison for new businesses in getting established
- Work on grants

Kim Guthrie-Burch, President of the Chamber Board, indicated that the Chamber had no problem with the items listed.

Council had also expressed concerns about the 7.5% administrative fee.

It was moved by Councilmember Carlquist and seconded by Councilmember Jurca to instruct staff to draw up a contract with the Delta Area Chamber of Commerce for business enhancement services. All in favor, motion carried.

**Regular Meeting, Delta City Council, March 18, 2008 (Cont.)**

**City Attorney Comments**

City Attorney Schottelkotte reminded Council of the reception for the Supreme Court Justices scheduled for April 30, 2008.

**City Manager Comments**

Manager Sloan announced that Robert Thomas, currently a resident of Evergreen and a former member of the City of Boulder's Police Department, has accepted the position of Delta's Chief of Police. Mr. Thomas plans to begin his duties in Delta in April.

**Councilmember Comments**

Councilmember Jurca commented on the condition of streets in Delta. The Public Works Director indicated his crew has made a start on filling potholes.

**Executive Session**

It was moved by Councilmember Carlquist and seconded by Councilmember Jurca to convene an Executive Session for the purpose of determining positions relative to matters that may be subject to negotiations, and/or instructing negotiators, under CRS Section 24-6-402(4)(e); or more specifically, to determine negotiating positions relative to the Tri-County water agreement.

At 9:05 p.m., the Regular Meeting was recessed. The Executive Session was convened a short time later.

At 9:38 p.m., the Mayor reconvened the Regular Meeting and announced that the Executive Session had been concluded. He stated that in addition to himself, the participants in the Executive Session were Guy Pfalzgraff, Kay Carlquist, Robert Jurca, Lanny Sloan, Michael Schottelkotte, Jolene Nelson, and Fay Matthews. For the record, the Mayor asked any person participating in the Executive Session who believed that any substantial discussion of any matters not included in the motion to go into Executive Session occurred during the Executive Session in violation of the Open Meetings Law, to state his or her concerns for the record. No concerns were stated.

The meeting was immediately adjourned.

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Mary Lynn Williams, CMC, City Clerk